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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,764	02/03/2004	Daniel Kerek	P65288US1	8903
136 7590 08/17/2007 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER IQBAL, KHAWAR	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 08/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/769,764	Applicant(s) KEREK, DANIEL	
	Examiner Khawar Iqbal	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 06-18-07 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bi et al (US 5835848) and further in view of Pravitz et al (WO 9733381) and Coleman et al (4562436).

Regarding claim 4 Bi et al teaches an apparatus for determining the stability margin, with respect to a possible self-oscillation, in a radio frequency repeater operating with a predetermined delay between an input and an output and having a feedback path between said output and said input, comprising (figs. (1-4)

at least one sensing element connected to at least one of said input and said output of the repeater (col. 1, lines 32-42, col. 3, lines 1-62), and

at least one measurement receiver connected to said at least one sensing element for measuring at least an output signal from said repeater, on the basis of which the stability margin is calculated (col. 1, lines 32-42, col. 3, lines 1-62). Bi et al does not specifically teach wherein an increasing magnitude corresponds to a decreasing stability margin.

In an analogous art, Pravitz et al teaches wherein an increasing magnitude corresponds to a decreasing stability margin (col. 5, lines 13-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Bi et al by specifically adding increasing magnitude corresponds to a decreasing stability margin in order maintains operability of repeater as taught by Pravitz et al. Bi et al and Pravitz et al do not specifically teach magnitude of harmonic variations is determined.

In an analogous art, Colemam et al teaches magnitude of harmonic variations is determined (col. 91, lines 10-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Bi et al and Pravitz et al by specifically adding magnitude of harmonic variations in order maintains operability of repeater to reduce distortion due to aliasing, at least twice as great as the highest frequency to be produced and thereby providing a smoothing operation as taught by Colemam et al.

Regarding claim 5 Bi et al teaches wherein said at least one sensing element comprises at least one directional coupler (col. 1, lines 32-42, col. 3, lines 1-62, see claim 4).

Regarding claim 6 Bi et al teaches wherein two directional couplers are connected to a single measurement receiver via a switch for alternating measurement of the signals at the output and the input, respectively (col. 1, lines 32-42, col. 3, lines 1-62, see claim 4).

Regarding claim 7 Bi et al teaches wherein: said measurement receiver is connected to a control unit for controlling the gain of said repeater (col. 1, lines 32-42, col. 3, lines 1-62).

Regarding claim 8 Bi et al teaches wherein: said measurement receiver is connectable, via a modem, to a central operational monitoring unit, whereby the measurements and calculations for determining said stability margin can be made by remote control (col. 1, lines 32-42, col. 3, lines 1-62).

Regarding claim 9 Bi et al teaches wherein: a band pass filter is inserted between said sensing element and said measurement receiver (col. 1, lines 32-42, col. 3, lines 1-62).

Regarding claim 10 Bi et al teaches a repeater system, including a radio frequency repeater of the kind having two antennas and the two links there between, said two links comprising an uplink for amplifying signals from a mobile telephone to a base station and a downlink for amplifying signals from said base station to said mobile telephone, said repeater (col. 1, lines 32-42, col. 3, lines 1-62, see claim 4).

Response to Arguments

4. Applicant's arguments with respect to claims 4-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal


GEORGE ENG
SUPERVISORY PATENT EXAMINER